

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION**

UNITED STATES OF AMERICA

VS.

MICHAEL L. MARTIN,

Defendant

NO. 3: 09-MJ-10-02 (CWH)

VIOLATION: Drug Related

ORDER OF DETENTION PENDING TRIAL

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a DETENTION HEARING was this day held in the above-captioned case before the undersigned. The defendant was represented by Ms. Catherine Michelle Leek of the Federal Defenders office; the United States was represented by Assistant U. S. Attorney Tamara A. Jarrett. Based upon the evidence presented to the court and the contents of the Pretrial Services Report dated October 2, 2009, as well as argument and comments of counsel, I conclude that the following facts require the detention of the defendant pending the trial of this case.

PART I - FINDINGS OF FACT

- ☒ (1) There is PROBABLE CAUSE to believe that the defendant has committed an offense
- ☒ for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act.
- ☐ under 18 U.S.C. §924(c).
- ☒ (2) The defendant has not rebutted the presumption established by finding (1) that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

ALTERNATIVE FINDINGS

- ☒ (1) There is a serious risk that the defendant will not appear.
- ☒ (2) There is a serious risk that the defendant will endanger the safety of another person or the community.

PART II - WRITTEN STATEMENT OF REASONS FOR DETENTION

Applying the factors set forth in 18 U.S.C. §3142(g), I find that the evidence proffered at the DETENTION HEARING, as supplemented by information contained in the Pretrial Services Report of the U. S. Probation Office dated October 2, 2009, establishes by clear and convincing evidence that no condition or combination of conditions set forth in 18 U.S.C. §3142(c) will reasonably assure the future appearance of the defendant or the safety of the community were defendant Martin to be released from custody at this time. The offense charged against him is a serious drug felony for which long-term incarceration can be expected if he is convicted. He faces a maximum sentence of 10 years to Life if indicted and convicted. Defendant Martin possesses an extensive criminal arrest and conviction record, including convictions for AGGRAVATED ASSAULT and WILLFUL OBSTRUCTION OF LAW ENFORCEMENT OFFICERS BY USE OF THREATS OR VIOLENCE, 2002, Superior Court of Madison County, Georgia. He also has a history of probation violations resulting in revocations. At the time of the offense charged in this federal complaint, the defendant was on bond for POSSESSION OF METHAMPHETAMINE WITH INTENT TO DISTRIBUTE in Madison County, Georgia. Subsequent to the incident charged in the federal complaint, the defendant was arrested and charged in connection with an assault on one Clint Flanigan which resulted in Mr. Flanigan's jaw being broken. When taken into custody, the defendant, a convicted felon, was in possession of a firearm.

Defendant Martin has a history of substance abuse, to-wit: he admits to using marijuana on a daily basis and methamphetamine twice weekly.

For the foregoing reasons, the undersigned finds that defendant Martin would pose both a serious risk of flight and a serious danger to the community were he to be released from custody. He has exhibited a propensity to violate the law going back some eighteen years. Pretrial detention is thus mandated. IT IS SO ORDERED AND DIRECTED.

PART III - DIRECTIONS REGARDING DETENTION

The defendant is hereby committed to the custody of the Attorney General of the United States or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

SO ORDERED, this 13th day of OCTOBER, 2009.



A handwritten signature in black ink, reading "Claude W. Hicks, Jr.".

CLAUDE W. HICKS, JR.
UNITED STATES MAGISTRATE JUDGE